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REMARKS

Claim Rejection under 35 U.S.C. 102

Claims 1, 2, 3, 8 and 10 currently stand rejected under 35 U.S.C. 102 as being anticipated by Danjell. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

In view of the raised rejection, Claims 1, 2, 3 and 8 are cancelled, without prejudice, from this application. Accordingly, the Applicant will focus the following remarks concerning the allowability of Claim 10.

In the previous argument relating to Logan Jr. et al., the Applicant argued that there was a difference between Logan Jr. et al. and the present invention due to the fact that Logan Jr. et al. consisted of multiple layers. It is respectfully submitted that this distinction also differentiates the present invention from Danjell. Claim 10, as amended, specifies that there is a one piece sign plate. Referring to FIG. 3 of Danjell, the layers of used by Danjell are identified. Layer 2 is a clear substrate panel—the clear substrate panel 2 is the equivalent of body 20 shown in FIG. 1 of the present application. The present invention forms cavities 26 in body 20 which define alpha-numeric indicia (i.e., the spell out the word EXIT). The cavities are filled with photo-luminescent material 28 which keeps glowing even when light is removed. Danjell builds up layers on clear substrate panel 2. Danjell uses what he describes (see column 2, line 43) as an “epoxy type resin material” to create a number of paint layers, including a reverse print (negative) layer which also gives the sign a visible background color, a reflecting layer 12, a light absorbing layer 13 and finally an overcut mat 14 (see column 2, lines 36 to 59 of Danjell). Mat 14 is described as being “overcut” because it is a larger cut-out in the area of the design (which in the example illustrated is the word “Glow”). The overcut portion of mat 14 is filled with a luminescent casting material. It is noted that this material is not of the type that

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will continue to glow after the light providing stimulus is taken away due to a power failure. The material simply provides a "visual effect" when the light providing stimulus is functioning.

It is respectfully submitted that the present invention is an alternative to the approach set forth in the Danjell reference. The approach of the present invention provides a number of distinct advantages:

1. It is not as labour intensive as the layered approach of Danjell. Instead of forming a cavity of letters into the sign plate, the Danjell reference starts with a reverse print stencil and then places a number of layers ending in mat 14 with overcut openings.
2. It makes more cost effective use of the luminescent material, as compared to Danjell.

With the present invention, the luminescent material is placed only into the cavities forming the letters where it will all be visible. With the Danjell reference, the luminescent material is not just filling the letters, it is filling the "overcut" of mat 14, as can be seen in FIG. 3 and 4 of Daniell. This results in a substantial portion of the luminescent material being placed behind other layers, where it will not be visible.

With respect to Claim 15, it is respectfully submitted that the above arguments also apply concerning the allowability of that claim.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of Danjell reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied

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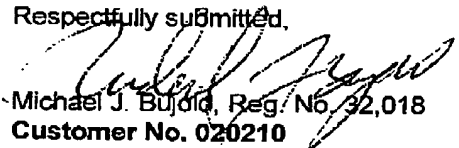
references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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